

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 77-155

ORDER RESCINDING ORDER NO. 77-21 AND
REQUIRING MONTARA SANITARY DISTRICT
TO CEASE AND DESIST FROM DISCHARGING WASTES
CONTRARY TO REQUIREMENTS PRESCRIBED BY
THE CALIFORNIA REGIONAL WATER QUALITY
CONTROL BOARD, SAN FRANCISCO BAY REGION

I. FINDINGS

The California Regional Water Quality Control Board, San Francisco Bay Region, finds that:

- A. On December 17, 1974, the Regional Board adopted Order No. 74-187 (NPDES NO. CA0037486) prescribing waste discharge requirements for the discharge by the Montara Sanitary District, hereinafter referred to as the discharger.
- B. On July 15, 1975, the Regional Board adopted Order No. 75-39 to amend Order No. 74-187 to revise the compliance time schedule.
- C. On June 21, 1977, the Regional Board adopted Order No. 77-57 to further amend Order No. 74-187 to revise requirements.
- D. On March 15, 1977, the Regional Board adopted Order No. 77-21, Cease and Desist Order which required the discharger to comply with waste discharge requirements according to a compliance time schedule.
- E. The requirements of Order No. 74-187, as amended, provides in part as follows:

"A. Effluent Limitations

...

- 3. The discharge of an effluent in excess of the following limits more than the percentage indicated is prohibited:

<u>Constituent</u>	<u>Unit of Measurement</u>	<u>50% of time</u>	<u>10% of time</u>
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...

c. Settleable Solids	ml/l-hr	0.1	0.2
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B. Receiving Water Limitations

1. The discharge shall not cause the following limits to be exceeded in ocean waters after initial dilution:

<u>Constituents</u>	<u>Units</u>	<u>Yearly Average</u>	<u>50 Per- centile</u>	<u>90 Per centile</u>	<u>Maximum</u>
Final Toxicity Tox- Concentration icity Units		--	--	--	0.05

...

C. Discharge Prohibitions

1. Discharge within 1,000 feet offshore from the extreme low waterline and where the waste will not receive a minimum dilution ratio of 100:1 as it reaches the surface is prohibited.
2. Discharge of wastes that will adversely affect waters over rocky substrates is prohibited.
3. Wastes shall be discharged a sufficient distance from areas designated as being of special biological significance to assure maintenance of natural water quality conditions in these areas.

..."

"D. Provisions

...

Provision D.2.a.

Compliance with effluent limitations A.3.a. and b. (and A.8. and A.9. pertaining to A.3.a. and b.) Receiving Water Limitations B.1. and B.2. and Discharge Prohibitions C.1., C.2. and C.3.:

<u>Task (Treatment and Transport)</u>	<u>Completion Date</u>	<u>Report of Compliance Due</u>
...		
Submit Plans and specifications to State Board	May 1, 1976	May 15, 1976
Advertise for bids	July 1, 1976	July 15, 1976
Commence construction	September 1, 1976	September 15, 1976
...		
Full compliance	June 1, 1978	June 15, 1978

<u>Task (Outfall Portion)</u>	<u>Completion Date</u>	<u>Report of Compliance Due</u>
...		
Submit plans/specifications to State Board	August 1, 1976	August 15, 1976
Advertise for bids	October 1, 1976	October 15, 1976
Commence construction	December 1, 1976	December 15, 1976
...		
Complete construction	May 1, 1978	May 15, 1978
Full compliance	June 1, 1978	June 15, 1978"

F. The requirements of Cease and Desist Order No. 77-21 provides, in part, as follows:

"B. The discharger shall comply with Board Order No. 74-187 as amended for Effluent Limitations A.3.a, and A.3.b.; Receiving Water Limitations B.1., and B.2; Discharge Prohibitions C.1. , C.2. and C.3. and Provision D.2.a. in accord with the following time schedule:

<u>Task</u>	<u>Completion Date</u>
Submit plans and specifications for on-shore facilities to State Board	July 1, 1977
Advertise for bids on construction of on-shore facilities	October 1, 1977
Open bids for on-shore facilities	December 1, 1977
Start construction of on-shore facilities	January 15, 1978
Submit plans and specifications for off-shore outfall	September 1, 1977
...	
Award contract for construction of off-shore outfall	January 1, 1978
...	
Full compliance	October 1, 1979"

- G. On March 15, 1977, the Regional Board adopted Resolution No. 77-3 a resolution regarding the Sewer Authority Mid-Coastside (SAM) regional wastewater facilities, which amended Resolution No. 76-9 adopted on May 6, 1976. Montara Sanitary District is a member of SAM. Resolution No. 77-3 includes the following:
1. Finding that the SAM project has been delayed because of factors beyond SAM's control.
 2. Amended time schedule for the design, construction and completion of the SAM project.
 3. Commendation to SAM for its actions towards implementation of a consolidated water quality management plan for San Mateo County Mid-Coastside area.
- H. On August 15, 1977, the California Coastal Zone Conservation Commission, Central Coast Regional Commission, granted permit No. P-77-366 to the Sewer Authority Mid-Coastside (SAM) for construction of regional wastewater facilities, including Montara Sanitary District. The permit approved a 1.3 mgd treatment facility. The applicant (SAM) has requested a 2.0 mgd treatment facility. This has caused further delays in implementation of facilities to comply with this Board's requirements.
- I. Reports from the discharger and from Regional Board inspections indicate that the discharger is violating or threatens to violate the requirements and time schedules listed in Findings E and F of this Order.
- J. Proposed amendments to the Federal Water Pollution Control Act (PL 92-500), presently before congress, contain provisions that, under certain conditions a waiver of secondary treatment limitations may be granted for certain deep ocean discharges. It is uncertain at this time if the SAM project could qualify for such a waiver.
- K. Proposed revisions to the State Water Resources Control Board's Ocean Plan are expected to be adopted by January 1978. It is not anticipated that these revisions will substantially affect the discharge prohibitions or degree of treatment required in current Ocean Plan which are incorporated in the NPDES permit.
- L. Starting at 1:00 p.m. on Friday, December 9, 1977, in the Cabrillo Unified School District offices, 498 Kelly Street, Half Moon Bay after due notice to the discharger and other affected persons, a hearing panel of the Regional Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.
- M. Upon the basis of the evidence received, the hearing panel recommended that the Regional Board issue a Cease and Desist Order against the discharger requiring that he comply with the aforesaid requirements immediately and in accord with a time schedule. The Regional Board has independently reviewed the record.
- N. The discharger is violating and threatening to violate the requirements and time schedules listed in Findings E and F of this Order.

II. IT IS HEREBY ORDERED THAT:

- A. The discharger cease and desist from discharging wastes contrary to requirements and time schedules listed in Findings E and F of this Order.
- B. The discharger shall comply with Effluent Limitation A.3.c. (settleable solids) immediately.
- C. The discharger shall comply with Board Order No. 74-187, as amended, for Receiving Water Limitations B.1. (Final toxicity Concentration); Discharge Prohibitions C.1., C.2., and C.3.; and provision D.2.a. in accordance with the following time schedule:

<u>Task</u>	<u>Completion Date</u>
1) Submit amended project report for staged construction of consolidated wastewater project (defer construction of Regional treatment plant)	March 15, 1978
2) Submit complete application to Coastal Commission for staged construction	February 15, 1978
3) Obtain Coastal Commission Permit	April 24, 1978
4) Submit revised plans and specifications to SWRCB	July 1, 1978
<u>INTERCEPTORS/OUTFALL</u>	
5) Advertise for construction bids	September 1, 1978
6) Award construction contract	December 1, 1978
7) Completion of construction	June 1, 1980
8) Full compliance with requirements B.1., C.1., C.2., & C.3.	July 1, 1980
<u>REGIONAL TREATMENT PLANT</u>	
9) Submit time schedule for consistent compliance with all effluent requirements	Forthwith

- C. Additional discharges to the sewer system by dischargers who did not discharge into the system prior to December 20, 1977, are prohibited; provided the following are excluded from this provision: (a) projects under construction or which were issued building or sewer connection permits before November 23, 1977, (b) projects which would eliminate discharges from existing dwellings which have waste disposal systems causing more severe water quality problems than those caused by the community sewer system, or (c) projects which would alleviate an extreme public hardship or a public health problem. Exclusions pursuant to (b) and (c) shall be obtained by application to and approval of the Executive Officer.
- D. This Board will consider the partial removal of the prohibition of additional discharges and the allowance of a specified number and type of additional discharges to the sewer system by dischargers who did not discharge waste into the system before December 20, 1977, when the discharger demonstrates to the Board that they have forthwith achieved and completed all tasks in any one of the following sections:
1. Submit revised plans and specifications to implement consolidated wastewater project (SAM).
 2. Award construction contract(s) for interceptors and/or outfall.
 3. Comply with discharge prohibitions C.1., C.2. and C.3.

The district should submit to the Board adequate documentation of completion of any one of these tasks at least 40 days prior to the Board meeting of which they are requesting consideration for partial or complete removal of the prohibition. If the Board determines that the District has forthwith achieved and completed all tasks in any section and that compliance with other limitations and time schedules has not deteriorated, the Board will partially remove said prohibition and will allow the District additional discharges sufficient to serve those proposed projects for which the District has received and processed all documents required by the District for issuance of a sewer connection permit.

The Board will consider adding significant tasks not specified above as they become apparent which represent a measure of substantial progress by the District as additional basis for the partial removal of this prohibition and allowance of additional discharges to the sewer system. Further, the Board may consider the complete removal of this prohibition upon the effective implementation of all items above, and a demonstration of substantial progress toward compliance with this Order.

- E. The Montara Sanitary District is required to submit to the Regional Board by the first day of every month, beginning January 1, 1978 a report, under penalty of perjury, on progress toward compliance with this Order. If noncompliance or threatened noncompliance is reported, the reasons for noncompliance and an estimated completion date shall be provided.
- F. This Board's Order No. 77-21 is hereby rescinded.
- G. If the Executive Officer finds that the discharger has failed to comply with the provisions of this Order, he is authorized, after approval of the Board Chairman, to request the Attorney General to take the appropriate enforcement action against the discharger, including injunction and civil monetary remedies, if appropriate.
- H. If the Executive Officer determines that the provisions of this Order are violated and does not refer the matter to the attorney General, he is instructed to report to the Board the reasons that the discharger has been unable to comply with the provisions of this Order.

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on December 20, 1977.

FRED H. DIERKER
Executive Officer